IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 15678 of 2007(N)

PETITIONER:

SHAJI M.P.
AGED 35 YEARS, S/O.M.P.PUNOOSE,
MUDAKKALIYIL HOUSE, ANAKKARA P.O.,
IDUKKI DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE,
VANDANMEDU POLICE STATION,
VANDANMEDU P.O., IDUKKI DISTRICT.

2. THE GEOLOGIST, MINING AND GEOLOGY
DISTRICT OFFICE, MINI CIVIL STATION,
THODUPUZHA P.O., IDUKKI DISTRICT.

3. MR.K.K.SABU, KIPILOOR HOUSE,
PAMPUPARA P.O., IDUKKI DISTRICT.

4. MR.AVADAH, NENJUKATTIL HOUSE,
PAMPUPARA P.O., IDUKKI DISTRICT.

5. MR.SUDHAKARAN, THOTTACHALIL HOUSE,
PAMPUPARA P.O., IDUKKI DISTRICT.

6. MRS.MOLLY, WILFE OF KUNJUKUTTY,
POOVAKKOTTU HOUSE, PAMPUPARA P.O.,
IDUKKI DISTRICT.

R1 & R2 BY GOVERNMENT PLEADER SRI K.C.SANTOSH KUMAR
R3 TO R6 BY SRI.S.DILEEP (KALLAR)
SRI.NAVEEN THOMAS

FFF THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE 2ND RESPONDENT TO TE PETITIONER DTD. 16/5/2007 VALID UPTO 15/7/2007.

EXT.P2 TRUE COPY OF THE COMPLAINT FILED LBY THE PETITIONER BEFORE THE 2ND RESPONDENT ON 11/5/07.

RESPONDENTS EXTS:

EXT.R3A TRUE COPY OF THE MASS PETITION DTD. 3/5/07 SUBMITTED BY RESPONDENTS ALONG WITH OTHER 78 PERSONS BEFORE THE VILLAGE OFFICER, ANAKARA VILLAGE WITH COPIES TO THE DISTRICT COLLECTOR, REVENUE DEPT., IRRIGATION DEPT. AND CHIEF MINISTER.

EXT.R3B(1) TRU COPY OF THE ACKNOWLEDGEMENT CARD SHOWING THE SUBMISSION OF THE MASS PETITION TO THE DIST. COLLECTOR.

EXT.R3B(II) TRUE COPY OF THE ACKNOWLEDGEMENT CARD SHOWING THE SUBMISSION OF THE MASS PETITON TO THE REVENUE DEPT.

EXT.R3B(III) TRUE COPY OF THE ACKNOWLEDGEMENT CARD SHOWING THE SUBMISSION OF THE MASS PETITION TO THE IRRIGATION DEPT.

EXT.R3B(IV) TRUE COPY OF THE ACKNOWLEDGEMENT CARD SHOWING THE SUBMISSION OF THE MASS PETITION TO THE CHIEF MINISTER.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 15678 OF 2007

DATED THIS, THE 7TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner has obtained a licence for mining sand from his own land, as evidenced by Ext.P1. His complaint is that respondents 3 to 6 and their men are causing physical obstruction to the mining activities and they are demanding money illegally.

2. Respondents 3 to 6 appeared through counsel and submitted that they are residents within 50 metres of the site where the petitioner is conducting the mining operation and that in case petitioner continues his mining operation it will adversely affect their land. Learned counsel for the petitioner, however, points out that sufficient safeguard has been made as per the conditions of the licence and as per Condition No.2 of Ext.P1 he cannot conduct any mining operation within an area of 50 metres from the residential houses belonging to others and he is conducting the mining operations strictly in accordance with the licence conditions.

3. We have heard the parties. Learned Government Pleader submitted that no physical obstruction is caused by anybody and in case

any such obstruction is caused, police will render necessary protection.

4. We direct that so long as the petitioner is conducting the mining operations strictly in accordance with Ext.P1 and so long as it is not prohibited by any statutory orders, respondents 3 to 6 or anybody under them cannot cause any obstruction to such mining work. In case they cause any such obstruction, petitioner is free to make a complaint to the first respondent who will render necessary protection to the petitioner for carrying out such mining operations. However, this will be without prejudice to the right, if any, of Respondents 3 onwards to take out remedial measures in the matter through appropriate legal forum.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-